BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM:—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LII. BOMBAY: WEDNESDAY, APRIL 21, 1841. New Series No. 48.

CHARGES FOR ADVERTISEMENTS IN THE BOMBAY GAZETTE.

6 Annas per line, with the customary abatement to the Trade.
For others the charges are:
6 Annas per line for a first insertion.
3 do. do. for a second do.
2 do. do. for a third do.
the same being in immediately succeeding papers.
Under ten lines, 4 Rupees.

NOTICE.

THE Public are hereby informed, that the BOMBAY GAZETTE PRESS has been removed from the late Premises No. 5, Forbes Street, and is now occupying the Premises in Apollo Street, Old Admiralty House, opposite the Bombay Chamber of Commerce and Exchange Rooms, where all communications to the Editor will be received.—Bombay, 5th April 1841.

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

Agents in England, Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Office, Apollo Street, Old Admiralty House.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRYAT's CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions..... Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Retirement..... Rs. 2

Proceedings of a General Court Martial held at Fort George on Captain D. G. DUFF, 16th Regt. N. I..... Rs. 1

BOMBAY SPORTING MAGAZINE.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*, It is hereby announced that the 2nd No. of the BOMBAY SPORTING MAGAZINE was published on the 29th of March, and No 3 will appear in June. The price to Subscribers is 12 Rupees a year, single numbers 4 Rupees. Communications will be thankfully received.

FOR SALE.—A few copies of the "CALCUTTA MAGAZINE" from No. 1 to 6, for September, October and April, Price 3 Rupees per Copy.—Apply at the Bombay Gazette Office.

Gentlemen desirous of becoming Subscribers to the above Periodical will be pleased to communicate the same to the Editor by letter post paid.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each	Rs.	1
Ship's Articles.....	,,	1
Policies of Insurance.....	,,	1
Bills of Exchange, per set.....	Ans.	8
Interest Bonds.....	,,	8
Bills of Lading.....	,,	8
Powers of Attorney, each.....	,,	8

FOR GREENOCK.

THE A. I. Ship "BUCEPHALUS," 556 Tons, Captain SMALL, carries a Surgeon. For Light Freight or Passage apply to the Captain on board or

WM. NICOL AND Co.

Bombay, 21st April 1841.

NOTICE.

SORABJEE BHICAJEE and RUTTONJEE FURDOONJEE have been this day admitted into Partnership with the undersigned as Auctioneers and Commission Agents, and their business will henceforth be conducted under the name and Firm of ALLEN AND Co.

C. W. ALLEN.

Bombay, 19th April 1841.

With reference to the above, Messrs. ALLEN AND Co. beg leave to announce that their Rooms in Apollo Street are now open for the reception of Goods.

20th April 1841.

NOTICE.

AS the undersigned are now preparing for their Annual Stock of Beer, Regimental Messes and Individuals are particularly requested to intimate immediately what quantity and what Maker they will require for Consumption the ensuing Season.

WOOLER AND CO.

Bombay Green, 21st April 1841.

NOTICE.

TO be had on moderate Terms at the Godowns of the undersigned, a Supply of "Patent Felt," for covering the bottoms of Ships, received direct from the Patentees, the undersigned will furnish parties with printed Testimonials in favour of the Article and full direction for its application.

WOOLER AND CO.

Bombay Green, 21st April 1841.

FOR Sale at the Godowns of Sir ROGER DE FARIA. Good and Genuine Lisbon Wine imported by the Portuguese Brig "*Novo Viajante*," direct from Lisbon at the following rates.

Quarter Casks at.....	Rs.	40
Kegs..... at.....	,,	35
Smaller ditto at.....	,,	16

TERMS CASH.—Out-station orders should be sent only through an Agent in Bombay.

Bombay, 21st April 1841.

FOR SALE.

A WELL KNOWN high Caste ARAB HORSE, has been constantly ridden by a LADY. Color a Silver Grey and is well suited for a CHARGER.

Enquire of HORMUSJEE BYRAMJEE near the Main Guard Fort.

STATIONARY.

MESSRS. COLLETT AND CO. have received a fresh supply of Stationary, consisting of Gum and Medallion Wafers, Fancy Sealing Wax, Letter and Note Paper, *Superior* Steel Pens, Drawing Pencils, Bristol Boards, &c. &c.

Invitation, and Visiting Cards, neatly executed at the establishment of the undersigned.

COLLETT AND CO.

13, Meadow Street.

Bombay, 21st April 1841.

MUNCHERJEE NASSERWANJEE begs leave to inform the Ladies of the Presidency and Outstations that he has received a new and fashionable assortment of Goods on Commission from England which he will exhibit for Sale at his Shop in Meadow Street this day. The articles consist of the following:—Figured and Watered and plain Gros de Naples, of all colours; Best Artificial Flowers; Kid and Silk Gloves for Ladies and Gentlemen of the best quality; Silk, Cotton and Worsted Stockings; Socks of different size for Children; Gentlemen's Beaver Hats and Black crape Bombazine; Indian Rubber Braces for Gentlemen and ready made Waistcoats; French Cambric Caps and long Robes for Children, and ready made Silk Cloaks for Ladies, and numerous other articles.

TO be had at the Godowns of the undersigned, Superior Sherry in Wood from the House of *Apalatagui and Co.*, of Xeres.

In Butts at.....	Rs.	550
Hhd. at.....	"	300
Quarter Casks.....	"	150
In Quart Bottles per dozen.....	"	18

WILLIAM AND THOMAS EDMOND & Co.

Rampart Row, 21st April 1841.

DOMESTIC OCCURRENCES.

BOMBAY.

BIRTH.—At Rutnageree on the 17th April 1841, the wife of Mr. Eugerio A. Cabral, Clerk in the Collector's Office of a daughter.

MADRAS.

BIRTHS. At Madras, on the 7th April, the lady of Henry Chamier, Esq. of a daughter.

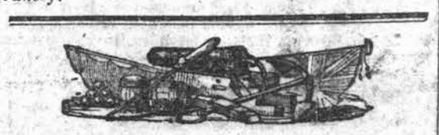
At Malacca, on Friday the 5th February, Mrs. R. W. Stonehewer, of a son.

At Negapatam, on the morning of the 4th Instant, the lady of the Rev. Thomas Haswell, of a son.

At Chintadrapettah, on Wednesday the 24th March, Mrs. H. Swayne, of a son.

DEATHS.—At Malacca, on Saturday the 13th February, after a few hours illness, Richard Thomas, son of Mr. Sub Overseer R. W. Stonehewer, of the Madras Commissariat Department, aged 5 years 3 months and 10 days.

At Malacca, on Thursday the 25th February, after a few days illness, Assistant Surgeon William Shedden, of the 8th Regt. Madras Native Infantry.



Marine Department.

NOTIFICATION.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to dispatch a Steamer, with a Mail for Suez, on Saturday the 1st of May next.

By order of the Hon'ble the Governor in Council,
P. M. MELVILLE, Lieut. Col.
Secretary to Government.

Bomby Castle, 12th March 1841.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with the Mail to Suez, on Saturday the 23rd May.

It is also intended to despatch a Steam Frigate with the Overland-mail, via Suez, on Saturday the 19th June, and again on Monday the 19th July; but Passengers cannot be accommodated in the usual manner, on these occasions.

The despatch of the ordinary monthly Packets will recommence on Wednesday the 1st September.

By order of the Hon'ble the Governor in Council.
P. M MELVILLE, Lieut. Col.
Secretary to Government.

Bombay Castle, 31st March 1841.

Shipping Arrivals and Departures.

ARRIVALS.

April 20th, Barque Adelaide, J. Correya, Master, from Siam 8th February, Singapore 23d Do. and Cochin 30th March. *Passengers.*—Hajee Mahomed Tuckey Nacodah 6 Native Writers and followers.

Do. America Barque Cavalier, J. G. Walters Master, from Zanzibar 17th Feb. *Passenger.* W. C. Waters.

SAILED.

April 19th, Barque Hope, John Kerr, Master, to Greenock.

Shipping in the Harbour.

E. I. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Berenice.
BRIG.	Sesostris.
SCHOONERS.	Hugh Lindsay.
Taptee.	Medusa.
Royal Tiger.	Zenobia.
Palinurus.	Auckland.
Tigris.	Seaforth.
Emily.	
CUTTER.	
Margaret.	

Merchant Vessels.

ENGLISH.	
Charles Grant.	Charles Dumergue.
Rossanna.	Wave.
Earl of Balcarras.	Carnatic.
Rothschild.	William Gillies.
Sharples.	Bucephalus.
Countess of London.	Martha Ringway.
	Buckinghamshire.
COUNTRY.	
Cauderbux.	Yatch Prince Regent.
Pittamber Savoy.	Dawlut Savoy.
Caroline.	Malik-ool-Bahr.
Colone Newal.	Cursetjee Cawasjee.
Essavie.	Shaw Allum.
Maria.	John.
Ruby.	Futhel Barry.
Fanny.	Brigand.
Hydrouse.	Kusrovie.
Alexander Robertson	Dadaloy.
Ruparell.	Solomon Shaw.
Hamoody.	Memnon
Caroline.	John William Dare.
Sophia.	Acasta.
Lady Grant.	Midas.
Rotier.	Juda Rahimon.
Corsair.	Lord Amherst.
Drongan.	Caledonia.
Roonulay.	Emily.
Cavalier.	Lamity.
	Adelaide
FRENCH.	
LaAdele.	PORTUGUESE.
Brig LeDeux.	Brig (War) Cassador Africano.
ARAB.	Brig Novo Viagente.
Harsingar.	
Lodease.	
Hamonshaw.	
Haze Kaebree	

Military Arrivals and Departures.

ARRIVALS.

April 18th.—Ensign F. J. Groube, 13th Regt. N. I., from Surat.

do. 20th. Lieut. W. Brassey, 2d E. Lt. Infty., from Poonah.

do. do. Capt. W. S. Watkins, 15th Regt. N. I., from Tannah.

do. do. Asst. Surgeon Burnes, 5th Regt. M. N. I., from Palamcottah.

do. do. Lieut. Henry Sandwith, E. Lt. Infty. from Mahabulishwar Hills.

"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Wednesday, April 21, 1841.

ARRIVED April 20, Barque *Cavalier*, J. G. Waters, Master, from Zanzibar 17th February; Do. Barque *Adelaide*, J. Correya, Master, from Siam 8th and Singapore 23rd February.

THE requisition which we have given below for a Public Meeting on the departure of Sir James Carnac for England was in the course of circulation yesterday as we heard, for we did not see it before we found it in the columns of the *Courier*. We have no doubt that had it been sent round a day longer that it would have been universally signed, as it is the attendance on Thursday will no doubt prove the interest the Public take in the departure of our respected Governor, and that both the European and Native Community will assemble to testify their respect for the man, and their approval of his measures of Government. It would be invidious now to draw comparisons, but we may observe that in the short time he has been among us, Sir James has put as many excellent plans into practice as characterized some of the entire administrations of his predecessors. In sending troops as he did to Scinde, he did not quail from responsibility, and his journey to Baroda when in infirm health proves, that he was ready to make every personal sacrifice for the welfare of the state entrusted to his charge, we shall say no more as we have no doubt these topics will be ably discussed by our best orators at the Meeting on Thursday.

Bombay, 19th April 1841.

L. C. C. RIVETT ESQ.
SHERIFF.
Bombay.

SIR,

We request you will call a general Meeting of the Inhabitants of Bombay at the Town Hall on Thursday next the 22d Inst, at 4 o'clock, to take into consideration the best means of testifying their respect for His Excellency Sir James Rivett Carnac Bart, and their regret at his approaching departure to Europe.

We have the honor to be
Sir,
Your Most Obedient Servants.

(Signed) H. Roper	(Signed) Humchund Narronjee
J. H. Crawford	Eduljee Hirjee.
Jamsetjee Jejeebhoy	Nowrojee Jamsetjee.
W. C. Bruce	Cursetjee Ardaseer.
P. W. Legeyt	Cursetjee Cowasjee.
E. E. Elliot	Ardaseer Hormasjee
J. F. Cruickshanks	Treebhovindass Luckmidass.
Bomanjee Hormusjee	Vuculchund Khooshalchund.
Dhackjee Dadajee	Juggevundoss Luckmidass
Cursetjee Jamsetjee	Amerchund Khemechund.
Spencer Compton	Toolsedoss Colla Mody.
A. S. Ayrton	Gopaldoss Nagurdoss.
Charles Forbes	Dadabhoy Pestonjee.
L. R. Reid	P. M. Melvill
C. Oliver	W. R. Morris.
John Bowman	S. Marriott.
Jagonnath Sunkersett	J. Swanson.
H. F. Boaden	A. P. Lemessurier.
Wm. Crawford	A. S. Lemessurier.
W. H. Payne	W. S. Adams.
E. Ampiage	J. H. Dunsterville.
J. McLennan	John Williams.
J. M. Shortt	R. T. Webb.
P. M. Dalzell	A. W. Clarke.
F. Schuler	W. B Barrington
J. Burrows	Mahomed Ally Rogay
R. H. Kennedy	Rustomjee Jamsetjee
Wm. Howard	Cursetjee Furdoonjee
Dhunjeebhoy Framjee	W. W. Cargill
Cursetjee Dorabjee	F. M. Davidson.
Maneckjee Limjee	W. F. Hunter.
Dadabhoy Pestonjee	J. A. Russell
Jehangier Cursetjee	T. C Donald.
Hemutram Myaram	Walter Roberts.
Doollubdoss Trebhovindos	Edwd. Lyon.
Nanjee Jaikoran	Robert McKim.
Kessresing Cooshalchund	Edward Bates.
Dhurmsey Hemchund	J. G. Bannagardt.
Hormasjee Dorabjee	Henry Anderson.
Rustomjee Cursetjee Mody	Aga Mahomed Jaffer.
Crustnath Narronjee.	

In compliance with the above requisition, I hereby call a general meeting of the Inhabitants of Bombay on Thursday the 22nd Instant at 4 o'clock in the afternoon for the purpose specified.

(Signed) L. C. C. Rivett.

ON looking over the new Civil Absentee Regulations we cannot help expressing our surprise at one of its most important provisions which we consider vexatious and ridiculous, and which bears very hard on Civilians proceeding on Sick Certificate. The paragraph to which we allude is that which sets forth the limits within which the invalid is allowed to move, for it is laid down that "From the 36th Degree of "North Latitude to the 50th of South "Latitude and from the 30th degree of "East Longitude to the 180th Degree" is to be the boundary in which a Civil Servant absent on Medical Certificate is permitted to travel without losing the whole of his allowances. Now this limitation shuts out the whole of Asia Minor, part of Persia, and almost all the Islands in the Mediterranean with the exception of Cyprus. In a notice of the Civil Memorial which we published in a former Paper, we gave it as our opinion that time and not place should cause a loss of allowances, and we still think it the only rational method of arrangement. The Steam Communication with England now sets a passenger from Bombay down in England in 40 days, and even that period is likely to be lessened by additional facilities. In London the best medical attendance in the world is procurable and a few months of Native air might well be thrown in as a valuable adjunct in getting rid of Tropical ailments, whereas if a man goes to Egypt, or Syria, or Persia where is he to find an able Physician, and even if he proceeds to the Mauritius, Cape or New South Wales, though the two latter are good climates, still they are not exactly calculated for patients suffering from the severe maladies engendered by a Tropical Sun, as somewhat too much of his beams still remain?

The great object of a Government, one would suppose would be to keep their Servants as efficient as possible and avoid the payment of high Salaries to absent individuals. By the present regulations a man gets two years leave, (we will say for instance to the Cape.) He draws a large portion of his Salary all the time, while he really does nothing for the money but enjoy himself as much as he can. Now were he permitted to proceed to England at once, a year's Leave would be sufficient for any case not very obstinate, and if further absence became necessary the Company have their own Physician to report on the Invalids, and of course it would only be granted in extreme cases, while a deduction of Salary might go on for every additional Month they were absent from their Presidency. This regulation above referred to is particularly vexatious because it bears only on one branch of the Service, as Military Men are only restricted to the Eastward of the Cape of Good Hope. Steam has altered all our relations with Home and as circumstances have changed, so should new Regulations be framed to suit them. In the days of Indiamen and long Voyages restrictions of the sort might be tolerated, but they are opposed to the spirit of the present age. It is a sufficient misfortune to be sick and out of spirits without losing station and emolument also. We would advise the Civil Services of the three Presidencies to join together with a good will and represent the injustice and cruel nature of the Regulation we have quoted. They are now even worse off than before and are shut out from places they could formerly have visited with benefit to their health and amusement and instruction to their minds. It would be something even to get rid of the present measure and return to the old regulations, as they were less vexatious. Finally we think some advocate for the alteration we suggest should be found with the Court of Directors, and we feel assured if the matter were temperately urged to their notice that it would receive due consideration, founded as it is on common justice to their own Servants. We are quite sure that it would add to the efficiency of the Service, while it would take a load of expence off the shoulders of Government in the shape of salaries paid for years to parties at the Cape, Neilgherries and New South Wales &c. who are doing nothing for their money while their time in the Service is going on, and the Company getting what have been euphoniously and truly termed Hard Bargains!

WE had intended to have adverted to a letter signed "My Uncle's Nephew Sam" in our last Gazette, but a press of other matter prevented us. We were truly sorry to see the letter signed "Uncle John" in the *Times* of the 17th Inst, as we had hoped that the Officers of the Madras Army were unanimous about their Retiring Fund, we find however we were wrong, and we fear very much from the tenor of Uncle John's letter that the Junior Officers of the Madras Army are likely to overthrow a measure fraught with ulterior benefit to themselves However whatever may be done at Madras, "My Uncle's Nephew Sam" has very clearly demonstrated that no failure is to be apprehended in the Bombay Scheme

He shews that although "hopes are not entertained of accelerating promotion to such a degree as Captain Mackenzie's letter holds out to the Madras Army," still he proves beyond doubt that "promotion will "be accelerated by the establishment of the "Fund, and that even in a pecuniary point "of view the benefits will far overbalance "the outlay," and in a period of 17 years that an Officer would through the Fund receive Rupees 1452 Annas 14, more than he would have got without, and a year and a half's speedier promotion *certain*, while the probabilities are that 3 years would be ultimately gained by the measure.

We would take leave, as one to whom the welfare of the Army must always be highly interesting, to urge on our quondam brother Officers not to decide hastily against the Fund. We verily believe "This is the last time of asking," and if this opportunity be lost or permitted to be ruined by discussion, we think no one will arise again with a proposition for the benefit of the service. The subscription proposed is so very small that although the Subaltern is certainly already but ill paid, still he will scarcely feel it, and a few privations of luxuries will easily make up the difference. Had a proposition of this nature been carried say 15 years ago—how very few Brevet Captains we should have had, and now look what a formidable array grace the pages of the Army List! It is true that the benefit to the juniors in the service is remote, but they are here for 20 years certain, and they would do well to secure the means of retirement at an early period.

The Bombay Army is very likely to be augmented, as the sphere of its duties is so much enlarged, and the adoption of a Retiring Fund at this peculiar juncture would be of the highest consequence, as the impetus given to promotion by augmentation would be increased by a fund, and many of the present Ensigns who might otherwise h pelessly sigh for years for the next grade would get pushed on at once. What we would ask for is simply this, "an adhesion to the *principle* of a Retiring Fund." Let the Committee draw up their rules and submit them to some eminent actuary at home for examination. In the mean time the proposed subscriptions should be collected, and when the earliest opportunity had been seized for the publication of the rules, then, let each Regiment signify its assent or dissent, and propound any measures to the General Committee which may appear reasonable and feasible. We only lift up our voice against the condemnation of the measure without a trial, and we do trust the officers of the Bombay Army will shew that they have more Esprit de Corps than to be daunted by cavilling and assumed difficulties in the outset of a question, before its merits are fully and roundly discussed.

The farce of praying for a third Judge to the Supreme Court is being played in the shape of a Petition to "the Queen in Council at the Exchange Rooms, and our Contemporary of the *Courier* has blown his penny trumpet to call in customers. What a craving for Justice there must be in the Mercantile Community of Bombay just now, what an appetite for equity! We have seldom seen a more ridicul ous legal leaning. Time was when the advent of Lawyers put men in mind of the old story of the osyster and the shells, but now the Commercial world seem to think not only "that in the multitude of Councillors" (but "Judges") there is wisdom and also safety, we have gone on for years with a Chief and Puisne Judge, and we would ask "has the Stream of Justice been obstructed, or its administration perilled? No! will the public of Bombay exclaim with truth! but now, and we will only put a case, if a potential Clique find that a certain great functionary is as stiff necked as Shadrach, Meshak and Abednego—and will not fall down before the Idol of gold, they heat the furnace of public opinion seven times hotter than ever, and try to oppress the independent spirit of truth, and make it fall at the feet of the base dross which rules the world. Grateful are we to find that there are some minds so constituted that neither clamours from without or factious opposition from its legitimate supporters can disturb the everlasting principles of justice and rectitude which are founded on a basis of integrity and moral courage. If another Judge be needed let him come in the name of all that is good and just, and we are confident that he will be received with open arms and hearts by his forensic Brethren, but let not the Petitioners be deceived and think that an increase of Judicial Authorities will either alter the Law, much more be "a legal check on the conduct of the Chief Justice" as the *Courier* is pleased to remark or that party will ever be able to coerce the Court. We have been wonderfully resigned under years of judicial privation, nor since the days of Lord Ellenborough's Tame Elephants have we seen the three Chairs on the Bench filled. The Hindoos have imaged the God of Prosperity Ganesa as an Elephant, and we have no doubt that the gravity and sagacity as well as the noble port of that King of Animals disgraces not the Bench by comparison. However the Lordly animal we have seen on a recent occasion has shewn the docility and magnanimity of his race. He has scorned to tread on those who lay beneath his feet, but allowed them to go scathless, when a natural and equal step would have crushed and exhibited them to the world, maimed and shorn of that glory which they now vaunt and flourish when beyond the reach of the power which has been only lenient when it could have been justly hurtful and terrible to the offenders.

"A petition to the Queen in Council is in course of circulation and will shortly be left for signature at the Exchange rooms. It's object is humbly to entreat Her Majesty to appoint a third Judge to the Supreme Court of this Presidency. This is a measure which cannot fail to be generally supported. Under the present arrangement the *Puisne* Judge is almost a cypher, the opinion of the Chief Justice being paramount on all occasions. There is therefore no legal check on his conduct. In some cases moreover as in the instances of resignation or death, great inconvenience is felt both by the court and by suitors from there being no possibility of obtaining a second judicial opinion. These evils would be obviated were a full bench of one Chief and two *Puisne* Justices established."

In Calcutta a question has arisen as to the relative rank of Military and Medical Officers when in Committee together, "on "a plea that according to the Queen's re-"gulations the Military Officer has pre-"cedence on all duties," and we extract an able article from the *Englishman* of the 9th of April thereon, this is a question that affects the whole profession in India, and if there is any doubt on the subject it ought to be cleared up at once. The Court of Directors have laid down the Rank to be enjoyed by the Medical profession and we cannot see any reason why it should be waived when the exigencies of the service bring them on duty with the other Officers—Morever the association of Military and Medical Officers is very rare except on a Committee Duty, and even then the subjects to be discussed are generally sanitory measures. In such the D ctor must be a paramount authority, and we have no doubt he has a right to take precedence according to the date of his commission. We do happen to recollect one instance where for want of Officers an Assistant Surgeon was put on a Court of Inquiry about a row in a Regiment, but we believe it was very unprecedented and irregular, although the proceedings were forwarded to the General Officer Commanding the Division. We think the line of argument pursued by "The Englishman" unanswerable, and the principle contended for ridiculous, for as he truly says,—The disputed principle is "that a member of the Medical Board, "the highest rank in the Indian Medical "Service may be placed in a committee for "Medical purposes too chiefly, under a Su-"baltern Officer"—a proposition which is too absurd to be entertained for a moment. The fact of Medical Officers being denied all Military Command in a Regiment, proves nothing, the cases are not analagous. We are only surprized that in these enlightened times a question like this should have been mooted and are quite sure that such a position cannot be maintained for a moment. We would however advise our Medical friends to be on the alert and stand up for their own rights, or if not they may chance to go to the wall through pure negligence, and their honors be curtailed as our contemporary remarks to the right of their Ladies holding a higher place at the dinner table than the wives of other officers.

In the "*United Service Gazette*" in an article in Lord Keane's Pension, we find him quoting Pamphlet of Mr. Paull, who having been in Bengal for a number of years stood candidate for Westminster with Sir Francis Burdett, and fought a duel with him in 1807 in which Sir Francis was wounded. The *United Service Gazette* says in the latter part of the article "If this letter writer be now alive!" alluding to Mr. Paull. Unfortunately that gentleman put an end to his existence in 1808 while in a state of derangement, it was believed also that he had never been very sane for some time previous to his unhappy end, therefore his writings could only be received as the hallucinations of an unfortunate madman. We say thus much in order to shew the *United Service Gazette* what sort of arguments he has been combating.

Spirit of the Indian Journals.

FRIEND OF INDIA, APRIL 8.

The intelligence which has been received from China during the past week, is of the most important character.

It appears that Kesheen, the Imperial Commissioner, though apparently invested with full powers to treat with us, delayed the execution of the treaty which he had concluded with Capt. Elliott, till he could obtain the Emperor's confirmation of it. The Imperial Cabinet, imperfectly acquainted with the emergency of circumstances, has rejected the treaty, and determined upon war. Four imperial edicts have been received, breathing hostility and defiance to the English, ordering that since the "rebellious dispositions of the foreigners have thus become manifest, nothing is left but to exterminate them." Instead of yielding an inch, by paying down the price of the opium, or granting them a landing place, the Emperor describes the English as having "rebelled against heaven, and opposed reason." "They are," say he, "like dogs and sheep in their dispositions. It is difficult for heaven or earth longer to bear with the English, and both gods and men are indignant at their conduct. I have heard," says the Emperor "that for months past they have debauched men's wives and daughters, made captives, carried away property, built forts, opened water courses, and set up a counterfeit public officer, who issues proclamations, ordering the people to pay the duties—in sleeping or eating I find no quiet."

The blood of the Tartar Ruler is excited by these enormities. Kesheen is ordered to be delivered over to the Board of Punishments—still however retaining his command—and the Admiral Kwan, though descended from the God of War, is to lose his button. Troops have been ordered to proceed with all speed to Canton. "Flying orders have been sent to the provinces of Hoonan, Szechuen and Kwei-chow, to send with speed their most skilful soldiers to Canton; also flying despatches to Keang se, to forward the two thousand troops already stationed at Kan-chow-foo, to proceed immediately to Canton; and it is calculated that in the second moon of the year all the troops may in succession arrive at Canton." Kesheen is ordered "to exhort and stimulate the soldiers to advance with valorous daring, and to be the foremost in battle, for it is absolutely necessary that the rebellious foreigners must give up their heads, which, and the *prisoners, are to be sent up to Pekin, in cages, to undergo the last penalty of the law.*" And so the doom of Capt. Anstruther, and his unfortunate fellow prisoners appears to be sealed.

Capt. Elliott, finding that the negotiations had thus been broken off, seems to have roused himself from his lethargy. On the 25th, the Bogue forts were attacked and taken, without the loss of a single man killed or wounded on our side. The casualties among the Chinese, though not ascertained, are believed to have been great. A thousand prisoners were taken, who were immediately liberated. According to the last accounts, which extend to the 1st of March, Capt Elliot intended to proceed immediately to Canton; and it is said that Kesheen had invited the foreign Consuls to mediate between him and the English.

Thus fall to the ground, like a house of cards, all the flaming assurances of Capt. Elliott, that the negotiations were proceeding most auspiciously. Thus are annihilated at one blow, all the flattering promises held out by the Ministerial organs at home, of a speedy and satisfactory adjustment of all differences. That spirit of 'moderation, on our part' which the seconder of the address to the throne, expected the Chinese government would so highly appreciate, the Emperor characterizes in intense insolence. After having sacrificed much time and money, and not a few lives, we have now the enterprize to begin afresh, with the whole empire armed against us from the Great Wall to Canton, and all its resources of men and money directed to the one object of exterminating us. We are irretrievably committed to a great expensive and protracted war, and cannot retract, without "descending from the throne" of Asia.

Of all the wars in which we have been engaged in the East, this is likely to be the most troublesome. That the Chinese, who are pagans, do not understand moderation, which is almost exclusively a Christian virtue, but mistake it for cowardice, all those who know any thing of Oriental feelings, must be fully aware. But we were not prepared for the unblushing perfidy which distinguishes these edicts. The Emperor despatched Kesheen, the third dignitary in the empire, to conclude a treaty with us. When the treaty is reported to him, not only does he refuse to ratify it, but states that Kesheen, the great minister, "because of the importance of the city of Canton and its granaries of rice, and also because the inhabitants are exceedingly numerous, became apprehenhensive that commotions would ensue, and made this a cause for *temporary expedients, and deceptively acceded to the requests of the English*; and for the present they have not been surrounded and extirpated." This places us in a singular position; for no treaty made by any Chinese Minister, however accredited, can hereafter be accepted with any confidence. The Emperor may revoke it at any time, and declare that his Plenipotentiary had adopted it as a temporary expedient, and concluded it *deceptively*. Nor treaty can be valid therefore, except one that is signed by the Emperor himself; and such a document we scarcely expect to obtain till we have conquered the empire, and exhibited the emperor, in a most humiliating position before his own subjects.

The circumstances which have now transpired, cannot therefore fail to produce a radical change through that vast empire. Had the Emperor quietly acceded to the treaty, which, after all, was far more disgraceful to us than to him, the lofty pretensions of the Tartar dynasty, and the exclusiveness of the Cabinet, might have appeared in the eyes of his subjects to be still inviolate. But the feeling of hostility which he has manifested, will necessarily force us to more extended operations. Is is not so much we who have declared war against the Chinese, as the Chinese Government which has now declared war against us. We must make up our minds either to quit China, with its trade altogether, or force the Emperor into concessions at the mouth of our cannon. There can be little doubt that we shall persevere, till the Emperor has been frightened into a treaty, and has signed it with his own vermelion pencil. But when, after such lofty edicts have been disseminated through the empire, and such vast preparations have been made for war, the Emperor is constrained to grant every request which the outside barbarians may demand, will not his Government necessarily lose that character of inviolability, which it has been the boast of the Tartar dynasty to maintain for two centuries? The sun of Chinese independence has set.

Yet it is impossible to contemplate the future as it regards our own movements, without strong mistrust. The expedition is still under the controul of the same imbecility which has hitherto marred all our expectations. The present rupture would be a happy circumstance, because of the probability of its leading to a more decisive and satisfactory result, if the same fatal councils which have disgraced our national character in China, were not still in the ascendant. What can the most sanguine expect when all operations are still to be directed by the individual who committed the incomparable folly of ordering the island of Chusan to be evacuated before a single article of the treaty had been performed, and who was obliged to send out vessels to intercept our returning troops, and order them to retake it?

If the Ministry had felt disposed to send out another Commander-in-Chief immediately on hearing of Admiral Elliott's departure, still the assurances of Capt. Elliott sent home by the last mail, that the negotiations were proceeding most auspiciously, would seem to them to render such a step unnecessary. In the midst of the security into which they were thus lulled, the intelligence now received, that the Empire is armed against us, will come down on them like a clap of thunder, about the 10th of June. Allowing a fortnight for deliberation, still the person whom they may send out to supersede the present plenipotentiary, cannot reach Canton by sea before the end of October, when the season for operations in the north will be over. Thus during the most momentous period of this national crisis, our affairs must remain in the hands of one, in whom no man has the smallest confidence. If ever a Ministry deserved to lose their births, it is the present Whig Ministry for having not merely neglected to place the entire management of this expedition in the hands of Lord Auckland, but for having omitted even to invest him with full powers to act upon an emergency. It is impossible to account upon any of the known principles of action for the infatuation of keeping the control of such an undertaking in the hands of those who were fifteen thousand miles distant from the scene and could not physically reply to any call for advise under seven months. If the Ministry be in power when this intelligence reaches England—and their lamp seems almost burnt down into the socket—we trust they will despatch some man of known vigor, some Commodore Napier, by the first Steamer to Bombay, with orders to cross India by dawk and after concerting measures with the Governor General in Calcutta, to start instantly by steam to Canton; and at the same time entrust the entire direction of the expedition of his Lordship. Lord Auckland may hesitate long before he gose to war,—and the new loan opened yesterday week, may shew sufficient cause for such reluctance—but his Lordship is too good a statesman to deal in half measures, when we are once fairly committed in hostilities.

ENGLISHMAN, APRIL 9.

The last news from China has put the *stamp* of confirmation on the utter imbecility of the Elliotizing system. We do not mean to imply that people in general had been previously divided in opinion on the subject, but that the political disgrace is now indelibly marked—that even charity or pity can no longer hope it to be shewn that what has been looked on as vacillation or stupidity was only an excess of wisely grounded diplomatic caution—and that history may now record the total unmitigated incapacity of the China Elliots without the slightest apprehension of leading posterity astray. It is not a very curious fact—for people of the same standard of capacity, however low that standard may be, will deem each other wise—but it is calculated to amuse for a moment, even amid the public feelings of contempt of such deplorable management—that the sole supporter of Captain Elliot *here*—the only one who has held him up as capable—has been the Editor of the *Calcutta Courier*, who, we are in candour bound to say, would have made just as good, as able, and as dignified a Great Plenipo as either of the Elliots made, and have sustained the honor and interests of England against Lin and Kishen in as complete a manner as those little national items have been sustained, from the date on which Elliot walked into Lin's trap at Canton, down to (we say emphatically down to, for England has been going down all the time) that on which Chusan was evacuated at the hint of Kishen, and Elliot finally stuck up in the diplomatic centre to be scorned or laughed at on all sides as the 'Great Foo-bee!' An evil-fraught mail will the next be that goes home, for the nation in general, and for the ministry in particular; for it will announce that all the expenditure of the last twelve months has been literally thrown away, and that even what we had achieved in spite of the Elliot bungling—for in spite of that we got Chusan—has been lost to us in consequence solely of the thorough incapability of the man to whom ministers had entrusted the honor and interests of England, in defiance of at least the misdoubtings which they could not but have had, of his miserable unfitness. Since the days of Lord Minto who was Governor General of India, has ever an Elliot of the family exhibited a capacity superior to mediocrity? The one at the Admiralty, the Admiral, the Captain, are all of the same intellectual genus, and totally unequal to the conduct of national affairs; and yet the Melbourne ministry have cherished them as if they had been a brood of young Pitts, Foxes or Cannings, till at last they have got England disgraced before China at a time when its arms are rendering it the arbiter of the rest of the world. Checking France till she has crouched, compelling Russia to withdraw her Ind-ward arm, freeing the Sultan from her political thraldom, demolishing the Pacha by a single blow, and, in a word practically ruling the destinies of Europe and (with this one exception) of Asia, she is baffled by a couple of long-tailed Chinese Mandarins, after the futile efforts of a twelve month to redress her outraged honor! If the ministry lose their places in consequence of this gross mismanagement, they must fall without an atom of public sympathy, if only because—let their original plans have even been undeniably good and wise—they selected such incapable men to conduct the operations, and thereby wantonly jeopardised the national character. But certainly they will be punished abundantly, if only by their political humiliation; for after the exulting tone in which they have spoken of the possession of Chusan, after that tone being responded to by the country at large, and after the *holding* of the island being represented by them to Parliament as a perpetual security for our commercial prosperity and independence in the China seas; what will their feelings of *shame* be, when they shall have to proclaim the yielding back of this most valuable acquisition, on grounds not only most impolitic had they even reached the maturation of a duly ratified treaty, but by a process of the merest trickery, that a schoolboy would have detected, and which all eyes perceived except the eyes of the British diplomatist, from which no efforts on the part of all who strove to attain the anxiously desired object, could succeed in clearing away the official *film* that rendered them unable to see the bare-faced, palpable chicanery which was making him a dupe. But the British ministry deserve all the punishment that they may receive, for they have had reiterated warnings that they were employing incapable agents. The Indian Government and the Indian Press have sent them home these warnings (and not in mysterious language, either) by almost every mail; and they might have had sagacity enough to know that here there was no mere political feeling to warp the judgment in such a case, and that even if the very little political feeling which operates at all in India, had exercised the slightest influence on the local judgement, that feeling being general whiggish, or at least non-conservative, would rather have tended the other way, and caused us to lend our support to any system, once adopted for better or worse, of which the failure might compromise the ministry. But the truth is that we condemned the China management (and the managers) from the purest public motives, seeing that it could produce nothing but derogation and disadvantage to our country; and as we on the spot, as may be said, and unprejudiced, had much better means of acquiring knowledge and forming a sound opinion on the case, than ministers could have, if they relied principally on captain Elliot's representations, we think the 'voices of India' might and ought to have been attended to with a little more respect than they would seem to have experienced. We well knew the character of the people that were to be dealt with, and the consequence of that knowledge was a very general prophecy that Her Majesty's Government would be proved by the event not to have fixed upon the most judicious plan of operations, and certainly to have placed the conduct of that plan in the most incompetent hands that could possibly have been selected.

NORTH WEST PROVINCES.

AGRA UKHBAR, 10TH APRIL.

A wing of the 52nd N. I. under Captain Shuldham, a troop of the 8th Cavalry under Captain Barbor, and a detachment of Artillery with two 18 pounders and two mortars marched from Cawnpore on the 3rd, for Jhansi, where they will proceed if necessary, to the Southward, to reduce Chirgoug and some other forts. It is however very probable, that on their approach becoming known to the refractory chief, they will "give in" so that our gallant friends will reap nothing by their move, but the pleasure of along and hot march.

Furruckabad, 26th March, 1841.—(*From a correspondent.*)—The Lieutenant Governor accompanied by Mr. Hamilton, and the President and Members of the Local Committee of Education visited the Government Furruckabad Institution this morning. The performances of the boys of the first class, who read a passage from Roman History, and translated it into Hindostani was much admired. They also answered a few questions in Geography, and one of them demonstrated the 47th proposition of Euclid at the desire of the Lieutenant Governor.

17*th April.*—The Dost has just arrived, and is moored at the Hospital ghaut. He does not wish to be intruded upon by the rude mob, and a special guard has in consequence been placed at the ghaut to prevent the people from inspecting his outward man. The better plan would have been for this fallen warrior to have adopted the custom of the women of the East and that would have effectually put a stop to all curiosity.

CALCUTTA.

ENGLISHMAN, APRIL 9.

As we have reason to believe that the question raised by us on Wednesday last, concerning the practical operation of the relative rank of military and medical officers, when sitting together in committee (on which occasion, of course the duties to be performed are at least as much of medical as a military character) has attracted attention in the proper quarters, but that endeavours are being made to virtually quash the medical rank—endeavours which we do not at all suppose the Government will sanction—on the plea that according to the *Queen's* regulations the military officer has precedence on all duties—we think right to recur to the question, in order to show what we consider the fallaciousness of such a line of reasoning. We leave out of the question, as neither apposite nor analogous, the case of pure military duty, such as would exist, for example, where a Lieutenant was in command of a regiment with which a *Surgeon* was present; and shall confine ourselves to the consideration of the use and intention of the relative rank, and to the showing how proper it is that it should come into operation upon semi-medical committees convened for almost wholly medical purposes. In the investigations made by such committees it seems proper and natural that the opinions of the medical members should have greater weight than those of the military ones: and it is at the least *consistent* that they should be placed in that *position* on the committee which corresponds with their official rank; and as medical officers are *liable* to be placed upon such duties, it would further seem fitting that a relative rank should be assigned to them, in order that they may not be subordinate, in cases when practically they must have the greater share of influence and perhaps responsibility too, but that the dignity due to their profession should be to a reasonable degree secured. In this service, as far as we are aware, the principle we contend for has always been allowed to govern, and accordingly either an officer has been named president, whose rank is superior to that of the medical members, or else the senior medical member has presided. A stronger precedent cannot exist for this, than what may be called the standing one which occurs in the Fort, in regard to Committees which meet to examine and pass recruits, and which are composed of the Brigadier at Dum Dum, the Fort Major (now a Colonel in the army) the Garrison Surgeon and Assistant Surgeon, and a Member of the Medical Board,—which latter *presides*, in virtue, *now*, of his official rank as a Brigadier General. In like manner official ranks tells always. If the Adjutant General of the Army were a Captain, but with the rank of Lieutenant Colonel, pending his incumbency, and were put on a Committee, he would take precedence of any Major who might be on it, and yet such rank is of less force than either regimental or brevet rank upon general service, for it entitles him to no line command, and in the Company's army expires altogether with his secession from office. *If*, however the rule of the Queen's service is that on such committee as this Chusan one, the medical members do not take precedence according to their relative rank, it does not thence follow that in the Company's service they are to be ridden over in so unjust a way; for when not long since the Court sent out the rank of Brigadier General, for the Medical Board, they did not define it as merely nominal or but for purposes of social etiquette, but evidently that it might have effect in cases of the present description. But the fact, we believe, is that there is no such rule; for although it is ordered that no medical officer, &c. shall exercise military *command*, yet we know of no construction of that technical term which can bring within it the functions of president of a committee; but whenever it may be deemed expedient to have a military officer in that position, on a mixed committee, then the authority convening it must so arrange as that no medical officer of superior *rank* shall be nominated a member. The *principle* which the now disputed arrangement establishes is this,—that a member of the Medical Board—the highest rank in the Indian medical service—may be placed on a Committee, for medical purposes too, chiefly, under a *subaltern officer*, and that his rank is of no use whatever, unless it be to give his wife, if he have one, the privilege of being led into dinner (and we cannot longer be even sure of that) before the wife of a Lieutenant Colonel. If the Medical Board do not take up this question and seek the decision of Government thereupon, they will, in our opinion, exhibit a very lamentable deficiency of right professional feeling.

HURKARU, APRIL 9.

We have heard, upon good authority, that Colonels Lefevre, Ford and Montow, have been murdered on the 26th and 27th ultimo, in the Punjaub, and that a Colonel Fokes has been beheaded and then *roasted*.

From Feerozpoor we learn, that a statement that lately appeared in the *Agra Ukhbar*, to the effect, that Monsr. Ventura had started thence towards Bombay, is erroneous. Genl. Ventura is still at Feerozpore. Monsr. Montaw is described as having been a fine handsome young man.

By letters of the 27th ultimo, from Feerozpoor, we are informed, that General Lumley's dawk had, at that date, been laid from Kurnaul to the above station—from whence, our correspondent says, the General will proceed almost immediately to the Punjab, in command of the advanced Brigade, whose components we detailed in a late number.

The precise object or utility of this same *initial* expedition, we do not, however, altogether recognize; for, whether a movement of the nature spoken of, have for its object a hostile or a friendly interference in the affairs of the Punjab, the numerical amount of the force named, must still be wholly inadequate to the achievement of the desired results.

It would be hazarding a very dangerous experiment to throw a force (especially a sma

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

Brigade) into the Punjab, unsupported by Europeans. And it would be madness to expose these latter to the intolerable climate they would there have to encounter at the present season. We cannot, moreover, reconcile the rumour, or rather (we suppose it must be termed) the *fact* of General Lumley's intended visit at this time to Feerozpoor, with reports that have reached us in letters of the 29th ultimo, from Simla, to the effect that the General's elegant estate in that "land of mist and snow" is being fitted up for his immediate reception. "Probably," writes our correspondent, "his present visit to Feerozpoor is to be merely flying one—and the rumour of his intention to move an "advanced Brigade" into the Punjab, *before* the expiration of the rains, will, in that event, *certainly not* be realized."

We well nigh omitted to state, that a rumour prevails both at Simla and Feerozpoor to the purport, that General Lumley is to succeed Sir William MacNaghten as British Envoy at Kabool; and that the command of the force about to be assembled on the North Western frontier, will be conferred on General Boyd. We look upon these as mere rumours, but during the present dearth of intelligence from all quarters, our readers must be contented with them. At Delhi and Bombay, they seem to know nothing; we have papers from both places, but they are quite destitute of news.

HURKARU, APRIL 10.

The Semaphore reports the wreck of the *Lady Stormont* yesterday evening on Mud Point, Middle Point, and Upper Mud Point. In one report the vessel is said to be lying on her broad-side, a total wreck, in a quarter two fathoms at low water. The crew have been all saved by the *Satellite*, S. V.

The *Amherst*, which arrived yesterday, brings 126 sepoys of the 65th N. I., 103 men, on leave, belonging to the 68th N. I., besides a large quantity of treasure from Akyab. Her other passengers are Lieut. M. Baker, Commanding Detachment; Mrs. Capt. Bund and child; Mrs. Phillips and child; Mrs. Duncon.

The *Ganges*, Steam Vessel, left the port of Kyouk Phyoo on the morning of the 26th March, on her way to Moulmain. H. M. Ship *Childers* was hourly expected, to receive her provisions taken down on the *Amherst*, previous to her proceeding to the Nicobar Islands.

The *Amherst* left Akyab on the 3d inst. Seven hundred vessels had cleared the port loaded with grain this season before she left, and she also passed several standing in for cargoes.

We gather from a *Meerut* letter, dated the 31st ultimo, that Dost Mahommed was at that station on the 28th, and left it on the following day. It appeared to be almost certain, that there will not be a move across the Sutlej during the present season, unless the excesses of the Seikh soldiery [as does not we, are sorry to say, seem very improbable] reach such an inordinate pitch as to render our immediate interference a work of absolute necessity. In the mean time, however, we hope, that there will be no time lost in getting the large body of troops, now assembled on the frontier, under good and sufficient cover; and that General Lumley will not betake himself to Simlah till he sees this important business in train. A correspondent writes us that, at Kurnaul "the 1st, 2d, (*Troja fuit*!) and 9th Cavalry—the 3d Dragoons—the European Regiment, and one Light Infantry Battalion, are either entirely, or partially under canvass. The 10th Cavalry at Ferozepore entirely so, with little prospect of getting cover. The men of the Dragoons, at Kurnaul, are living in the stables—and the officers mostly under canvass. At Loodhianah, too, the officers of the 44th have found difficulty in housing themselves, and the 3 L. I. is now on its way there from Cawnpore." We believe that Mr. Metcalfe has been commissioned to see to this important matter, so we hope that there will not be much longer delay. We think, however, that it would be a better plan to make out a new cantonment. A correspondent suggests Sirhind, as a desirable locality. Its position is excellent, and we hear that abundance of building materials are to be found there, and a very fine supply of forage.

COURIER, APRIL 10.

We have hitherto refrained from any arguments as to whether a Court Martial is or is not a Court of Record, because if Colonel Foster Waker had determined to avail himself of the leave given by the Supreme Court, the question really involved the decision of whether he or the friends of the *Englishman's* Reporter would have to pay the costs of the late action, and we considered it would be at all events in bad taste to argue either way Colonel Waker, we are given to understand does not intend to contest the point, therefore we consider ourselves at liberty to make such observations as suggest themselves. One thing is quite certain, and that is that it is a doubtful for some of the reasons which were ably detailed by the *Englishman*, but, although when we first turned to authorities on the point, we strongly leaned to the opinion that this Court his not one of Record, yet we have found some unimpeached and unimpeachable authorities which sustain the totally contrary doctrine. For instance, the censors of the College of Physicians have the judicial power by Charter to examine all mal-administration of Physic, and to convict and punish those who offend in this by fine and imprisonment. They exercised this power against one Dr. Grenville—and the question was raised whether the possession of such power constituted the censors judges of a court of Record? Chief Justice Holt, one of the most profound and most constitutional lawyers who ever adorned the English Bench, decided (the whole Court assenting) that it did. His words are thus reported in *Grenville v. College of Physicians* (12, Modern. 388.) "The censors have power to examine for ill-practice, and to convict and punish for the same by fine and imprisonment, *and this makes them judge of record* for *wherever*; there is a power *de novo* erected by Parliament to convict, and fine and imprison, either of those make it a Court of Record. These censors having a power to to fine and imprison, *of necessity* are judges of record, and their Court is a Court of Record." He says much more upon the subject but the above, with quotations from Coke, another giant authority, comprise the whole gist of his judgement.

Those who deny that Courts Martial are Court of Record, have said that they only have power to find and imprison in certain instances—why, neither have the Censors of the College of Physicians—these can only fine and imprison medical men, as the other it is said, can only fine and imprison those of the military profession. If these authorities are right—if a Holt says "the power to fine and imprison makes (those who enjoy that power) of necessity Judges of record and their Court or Court of Record," or if as Coke expresses it "*nulla curia quoe recordum non habet, potest finem imponere, nec ale quem carceri, mandare, quea ista spectant tantum modo and curias de recordo,*"—if these two luminaries are right, and he is a bold man who shall say they are wrong, then "of necessity" are Courts Martial Courts of Record, for they have the power both to fine and to imprison.

Our "most gentlemanly" contemporary, says that a report has got abroad that the next loan to be raised by Government will be at six per cent. and we need only say that we hope for the sake of India this may be a true variemation. We hope that capital may be so profitably employed in Agriculture, Manufactures, and Commerce, that those who desire to borrow, be they private individuals or be they our Government, may have to pay a higher rate of interest for the accommodation. No one will demur to the trite observation that the credit and good faith of our Government are its best aids in obtaining pecuniary assistance, but to say that because circumstances oblige that Government to pay now five per cent. that it is bad faith not to pay the same to those who were formerly glad to lend it at four, is about as unreasonable a position as we ever saw advanced. This is shewn by reversing the status of things, and supposing that Government could get money at three per cent. yet could not raise sufficient to pay the four per cent. holders off; would these have thought it right for the Government to have said, we will only pay you three per cent.? Where is the man that will answer in the affirmative? and as not one such will be found, why then we say who for a moment will contend, (always excepting our contemporary for he has so contended) who will contend that Government ought to be the only loser. One of the most ludicrous mistakes made by our said contemporary is in this sentence—"Government by depriving their four per cent. paper of all marketable value, have actually tamed the hands that would have fed them, and have rendered it impossible for many of the largest dealers in public securities to advance any more money."—Indeed! why for that four per cent. paper Government have got the money, and that it would be of any benefit to them merely to pay it back to the lenders that it may come to them again from "the largest dealers"—or that such a mere change of hands would increase the advanceable capital, is an assertion which reminds us of the wild beast exhibiter who remarked that the monkies stealing from one another's troughs, "was a wise provision of nature—shewing how subsistence was doubled in their native climates."

The *Hurkaru* takes the sound view of the question and very justly observes:

"We would willingly hold out some consolation to our correspondent A FOUR MAN; but when he lent his money to the Government at four per cent., he took its securities, for better for worse, and had the interest of money fallen to three and a-half or three per cent., his securities would have been proportionably encreased in value. It is true that in that case, the Government would probably have raised money at three per cent., and paid him off as soon as it could, as was done at home, by a similar operation. But it never can be supposed that when a party lends a Government money at three or four per cent., there should be an implied condition that the Government shall not, in case of emergency, engage in a new loan, on the best terms it can get. We are afraid that in such a case, the Government will not consider itself equitably bound to regard the effect which the new operation will have upon the prior creditor. He lent his money without stipulation, and his after thought, when he finds himself affected by a new loan, at high interest, will not, we apprehend, be regarded with much "favorable consideration."

Our contemporary then proceeds to observe that the four per cent. holders might have been let down easier by warning them that a five per cent. loan was impending, but this could in no way have been effected, for if an official notice of this had been given, it would have reduced the Bazar value of the paper, just as much as when the loan actually issued, and that no mere rumour would have been of any benefit our contemporary confesses when he says that he announced the approaching loan twelve months since. So far from that Government acting wisely who should proclaim that it intended to increase its rate of interest even a day before the absolute necessity arrived, it would be difficult to point out one act which would more certainly bring upon the people unnecessary hardship, because the moment such announcement was made the rate of interest would rise generally, and every person requiring a temporary accommodation would be needlessly so much out of pocket.

Throughout we see no reason even to suspect that Government have not acted wisely; and we are equally convinced that those who charge them with injustice are carried away by the clamors of those who wish to have five per cent. instead of four, and who naturally are dissatisfied with the turn of fortune being against them.

The *Lady Stormont*, the wreck of which vessel was noticed by us yesterday, took the ground at 5 o'clock p. m. of Thursday last, little better than half tide, on Mud Point, when being caught in an eddy she instantly capsized. Fortunately the *Satellite* Steamer with the brig *Kitty* in tow, was just then passing Mud Point, and the Commander of the steamer observing the *Stormont* take the ground and capsize, immediately cast off the brig and proceeded to the assistance of the distressed vessel—she succeeded in rescuing all hands from a watery grave; the greater part of the crew had but few clothes on at the time, some with only their trowsers, and the suddenness of the event prevented their saving any thing—all arrived off town in the steamer during Thursday night.

The wrecked vessel was of 400 tons burthen and bound for Liverpool. She left Calcutta on the 3d instant—we believe she had no passengers—her cargo consisted of—

For Liverpool.—720 sacks Flour; 92 puncheons Rum; 2772 bags Rice; 159 bales Cow Hides; 3 bales Buffaloe Hides; 7 cases of Segars. *For London*—240 bags Sugar and 128 bags of Saltpetre.

The greater portion of which we suppose must have been, by this time, damaged or wholly destroyed by the water. The position of the *Stormont* is on Mud First Ridge, with Middle and Upper Mud Point bearing in one, in two and a quarter fathom at low water.

MADRAS.

UNITED SERVICE GAZETTE, APRIL 9.

MILITARY INTELLIGENCE.—We learn that when the Governor general the other day made a demand on Bombay for more Troops for Scinde, that Government declared they could not spare another man, it seems certain therefore that Madras will have to give some, and it is talked of as very probable that two Corps from the Western Coast will be sent. Sir Willoughby Cotton declares that nothing less than ten thousand men will do to take Herat, and that half the number will be required to keep it. We have been unable to learn any thing further regarding the European troops at Belgaum having been warned for Foreign Service. The hitch in the Review of the 2d N. I. has been set to rights and Brigadier Napier has been ordered to proceed therewith. Captain Sherman's Recruiting party of the 13th N. I. arrived at the Presidency on the 6th Instant. So large is the quantity of gunpowder now in Store at this Presidency that the Military Board has ordered the dispatch of 500,000 lbs. weight to out stations within the Frontier. The Arsenal people are also busy packing Arms for despatch to Bengal, of which about 1500 stand were, we hear, embarked yesterday. Government have accepted the tenders of the Barque *Victoria*, for the conveyance to Singapore of a portion of the 39th N. I. and she will sail about the 17th Instant. The *Favourite* has been also engaged to take some details of European to Moulmein. We are glad to find, that the draft of a G. O. assimilating certain allowance of the Riding Masters to those drawn in Bengal, is now before Government. This is nothing more than justice demanded, though the individual who pressed his claims thereto through a memorial, got, we are told, a sore rebuff at the moment for his provision of Cavessons, &c., for the Riding Schools. This however is to be authorised, as well as the allowance for each young Officer on being dismissed drill, and for each charge broken by the Riding Master in the Schools, &c.

THE BODY GUARD.—We were yesterday morning much pleased with the appearance of two parties of the Governor's Body Guard that we saw paraded [the one mounted, the other dismounted] in their new dress, which certainly does great credit to Lord Elphinstone's taste, with the exception of the red facings, and these, though evidently copied from the Hussars, we do not consider an improvement. In all other respects, nothing could exceed the neatness and good fitting of the clothing and appointments; the Hussar sash which has been adopted too, gives a great finish to the dress, and the whole turn out, as regards the Solderly look of the men, their riding, and appearance generally, would have done credit to any Regiment of Light Cavalry in Her Majesty's Service.

THE POLICE.—We learn that Mr. E. F. Elliott, Superintendent of Police is expected to return from New South Wales to this Presidency in about three months more.

THE ACTION OF THE HYDRAULIC BELT.—We on the 2d Instant published an account of a plan for raising water from great depths by the action of Hydraulic Belts, and are now enabled to state that the result of an experiment which has just been made by a scientific gentleman at this Presidency has fully established the efficiency of this novel discovery. A Belt of woollen cloth, about six inches in width, and bound at the edges with tape, working over a reel two feet wide and about eighteen inches in diameter, and under a drum of the same size fixed in the well, moved quickly by a turner's wheele threw up a large continuous stream of water, which proved the invention to be a useful practical one, especially adapted to this country where pumps are not generally procurable At a rough calculation the whole apparatus might be prepared too at an expence, we are informed, not exceeding 50 Rupees. Should any of our friends require more particular information on this subject, we shall be happy to procure it for them.

CEYLON.

THE Express with the February Overland Mail arrived in Colombo on Saturday afternoon but we were not fortunate enough to receive any of our Extras by this opportunity—thanks to the *admirable* system adopted at the Bombay Post Office—We have since however been favored by a friend with the *London Mail* of the 4th February and in order to put our readers in possession of the most important items of Home news, we anticipate our usual day of publication.

The *Tanjore* from Ceylon arrived off Plymouth on the 3d February.

The *Britannia* for Ceylon, Madras and Bengal sailed on the 18th January and the *Morning Star* for Ceylon on the 28th—Passenger by the latter Mr. Holden.

Very little appears to have been done in Coffee since last advices, "but no material decline can be stated in the prices.—Our stock being comparatively large, no disposition is shown on the part of the trade to purchase largely."

At the quarterly sales of Cinnamon 1070 bales and 94 chests Ceylon went off—First quality 6-. 4d. at 7s. 6d.—2nds 4s. 2d. at 6s. 2d.—3rds 3s. 4d. at 4s. 5d. per lb.

MR. BULLER the new Queen's Advocate has arrived at Bombay.

The Church Mission,

The Right Hon'ble the Governor, and the Hon'ble Mrs. Stewart Mackenzie, have lately presented to the Revd. Joseph Bailey, for the use of the communicants in the congregations at the Cotta church Mission Station, a handsome and massive communion cup and Paten, made of Silver and richly embossed: the cup is inlaid with gold, the pattern of them is similar to those belonging to St. Peter's church Colombo.—They have been made in Kandy, and were commenced before the Hon'ble Mrs. Stewart Mackenzie left the colony in May last.—This very valuable present is intended to be a memorial of the lively interest taken by the highly respected Honors in the welfare of the Ceylon Church Mission, and of the esteem and respect entertained by them for the members of that Mission now resident at Cotta.

European Intelligence.

LORD CARDIGAN'S TRIAL.

The trial of the Earl of Cardigan by the Peers, sitting in their capacity of a High Court of Parliament for the administration of justice, the preparation for which has ended on Tuesday. The trial excited the greater interest, that more than sixty years had elapsed since a Peer was tried for felony by the House of Lords. For the purpose of affording additional room in the small chamber where their Lordships now assemble, the gallery opposite the throne was protruded several feet in the body of the house; and on each side a temporary gallery was erected, extending from the ordinary side-gallaries very nearly to the great gallery, under which a small additional one was formed. The side-galleries were occupied by ladies and foreigners of distinction, chiefly members of the Corps Diplomatique. The great gallery was almost exclusively filled by ladies. At half-past ten o'clock, the Judges made their appearance, dressed in their state-robes, and took their seats in front of the woolsack. The Lord Chancellor was prevented from attending by indisposition. The body of the house was crowded to excess; and the Peers being attired in their robes, and wearing the collars of their respective orders, looked unusually magnificent.

The Attorney-General and Mr. Waddington conducted the prosecution; and Sir William Follett, Mr. Sergeant Wrangham, and Mr. Adolphus were retained for the defence. The Solicitor-General was also engaged for the prosecution, but was unable to attend from illness.

At a quarter to eleven o'clock, Lord Denman entered the House as Lord High Steward; preceded by the Sergeant-at-Arms with the mace, Garter King at Arms bearing his sceptre, and the Gentleman-Usher of the Black Rod carrying the Lord High Stewards staff. His Lordship having taken his seat on the woolsack, the Bishop of Chichester read prayers. Mr. Birch, the Deputy Clerk of the Parliaments, proceeded to call over the roll of the Lords, beginning with the junior Baron.

The Lords having been called over, the Clerks of the Crown in Chancery and in Queen's Bench having made three reverences, delivered the commission to the Lord Speaker; who gave it to the Clerk in the Queen's Bench to read; which he immediately did, the Peers standing at the time. The commission authorized their Lordships to proceed with the trial of James Thomas Earl of Cardigan, on an indictment found against him, which had been removed before them by *certiorari*; and it appointed Lord Denman to preside as Lord High Steward on the occasion. The commission having been read, Garter and Black Rod made their reverences to the throne; proceeded from the bar to the woolsack; and having presented Lord Denman with the staff, placed him, as Lord High Steward, in the chair provided for his Grace on the uppermost step but one of the throne.

Proclamation was again made for silence; when the Queen's writ of *certorari* to remove the indictment, with the return thereof, and the record of the indictment, were read by the Clerk of the Crown in the Queen's Bench.

The Lord High Steward then directed the Sergeant-at-Arms to make proclamation for the Yeoman Usher to bring the prisoner to the bar. The Yeoman Usher immediately appeared at the bar, having the Earl of Cardigan in his custody. The prisoner having reached the bar, made three reverences, one to the Lord High Steward, and one to the Peers on each side. He then was conducted to a seat placed for him within the bar.

Proclamation was again made for silence; when the Lord High Steward informed the prisoner, that he was indicted for feloniously shooting at Harvey Garnett Phipps Tuckett.

The Clerk of the Crown in the Queen's Bench then read the indictment. It contained three counts: the first charging Lord Cardigan with "feloniously and unlawfully shooting at Harvey Garnett Phipps Tuckett with a pistol loaded with gunpowder and ball, intending thereby, of his malice aforethought, the said Harvey Garnett Phipps Tuckett to kill and murder": in the second count he was charged with intending to maim and disable the same person; and in the last count he was charged with intending to do him some grievous bodily harm.

Called upon by the Clerk of the Crown in the usual form, Lord Cardigan, in a firm tone of voice, answered, "Not guilty, my Lords." He was next asked how he would be tried; and said, "By my Peers." He then sat down uncovered.

Mr. Waddington opened the indictment, in the technical way as at trials of prisoners in a criminal court.

The Attorney-General addressed their Lordships. Having explained the preliminary circumstances which brought the trial to that bar, he proceeded to comment on the nature of the offence—

It was now sixty-four years since any proceeding of this sort had taken place; and he was rejoiced to think that the charge against the noble prisoner at the bar did not imply any degree of moral turpitude; and that if he should be found guilty, the conviction would reflect no discredit on the illustrious order to which he belonged. But it certainly did appear to him that the noble prisoner had been guilty of a breach of the statute law of this realm, which he and all their Lordships were bound to obey.

He noticed at great length the different enactments which had been passed relative to the charge of maliciously shooting, previously to the passing of the recent act on which the indictment was founded—

That act received the Royal assent on the 17th of July 1837; it is known as the 1st of Victoria, chapter 85, and is entitled "An Act to Amend the Law relating to Offences against the Person." It recites, "Whereas it is expedient to amend so much of an act passed in the 9th year of the reign of King George IV. as relates to any person who shall unlawfully and maliciously shoot at any person, or who shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person," &c.; and then it repeals 9th, George IV. c. 31, *pro tanto*. Then, by the second section, it enacts, that "whosoever shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof, shall suffer death." Therefore, by this act, to shoot at and give a wound dangerous to life remains a capital offence; but to shoot at any person, whereby no wound is inflicted, is no longer a capital offence, but is only a felony punishable by transportation or imprisonment, whether the intent be murder or any other grievous bodily harm. By the third section it is enacted, that "whosoever shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate or strangle any person with intent in any of the cases aforesaid to commit the crime of murder, shall although no bodily injury shall be effected, be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years." By the fourth section it is enacted, that "whosoever unlawfully and maliciously shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person with intent in any one of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person," shall be guilty of felony, and be liable to the same penalties as are contained in the 3d section of the act. He was happy to inform their Lordships that this indictment contained no counts on the capital charge. A wound was inflicted; but the prosecutor, in the discharge of his duty, did not think it right to aver that any wound dangerous to life had been inflicted. The first count charged the noble lord with having shot at Captain Tuckett, with intent to commit murder. The second count charged with the same act with intent to maim, disfigure, or disable Captain Tuckett; and the third count with intent to do him some other grievous bodily harm. Now it was for their Lordships to say, whether, upon the facts, every one of these counts must not be considered fully supported and established.

The Attorney-General then described the circumstances of the duel; the arrival of the parties at Wimbledon Heath; the wounding of Captain Tuckett at the second fire; the apprehension of the whole party by Dann the miller; and their examination before the Magistrates.—

The witnesses whom he should call to prove these facts would be Dann the miller, his son, his wife, and Sir James Anderson. He should offer no evidence—indeed, he could offer no evidence—as to the origin of the quarrel out of which this duel sprung. Captain Douglas, the second of the noble earl, had to take his trial. He had been indicted with the Earl of Cardigan. A bill, which was thrown out, had also been preferred against Captain Tuckett and Captain Wainwright. They were liable, however,

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to have another bill presented against them; and if that bill were found, they too must take their trial. It would therefore not be decorous for him to summon them before their Lordships to give evidence, which might on other occasions be turned against themselves. It was painful to use the language which the first count made it necessary for him to employ; but it was for their Lordships to say whether the noble earl had not shot at Captain Tuckett with an intent of crime. "I acquit at once, my Lords," said the Attorney-General, "the noble earl of any thing unfair in the course of this duel. Something has been said about his pistols having been rifle-barrelled, whilst Captain Tuckett's were not so. However that may have been, I entertain the most firm conviction that nothing was intended by the noble earl that was not most fair and honourable; and I have no doubt he thought that one of his own pistols might be directed against his own person. Nor do I suppose that there was any grudge, personal animosity, rancour, or malignity, against Captain Tuckett in the breast of the noble earl. Whether the noble earl gave or received the invitation, I believe his only object was to maintain his reputation as an officer and a gentleman. Your Lordships are aware that the noble earl is in the army, and that he is Lieutenant-Colonel of the Eleventh Hussars; and I have no doubt that upon this occasion he only complied with what he thought necessary to the usages of society. But under these circumstances, though it would have been considered, if death had ensued, a great calamity and not a great crime—though moralists of the highest authority have defended duelling—it remains for your Lordships to consider what duelling is by the law of England. By the law of England there can be no doubt that parties who meet deliberately to fight a duel, are guilty of murder if death ensues."

The Attorney General read from the law-books different definitions of the crime of murder, and cited also cases bearing on the second and third counts of the indictment. Having adduced these authorities he said that when the facts were proved as stated, he could not conceive what defence could be made to enable their Lordships to pronounce a verdict of acquittal on any one count of the indictment. He intimated that such a decision could only be arrived at by straining the law to suit their opinions of the peculiar nature of the case—

Captain Douglas having to stand trial before an inferior tribunal, that trial had been postponed by the Judges on the express grounds that the same case should first be tried by the highest criminal court known in the empire. Their Lordships were to lay down the law by which all inferior courts were to be guided. Lord Thurlow, when addressing the House of Lords in the case of the Dutchess of Kingston, made use of these expressions—"I do desire to impress this upon your Lordships as an universal maxim, that no more dangerous idea can creep into the mind of a judge than the imagination that he is wiser than the law. I confine this to no judge, whatever his denomination, but extend it to all; and speaking at the bar of the highest court of justice, I make sure of your Lordships approbation when I comprise even your Lordships. It is a grievous example to other judges. If your Lordships assume this power of sitting in judgment upon the law, why not the King's Justices? Why not the Commissioners of Oyer and Terminer? If they do so, why not the Quarter sessions? Ingenious men may strain the law very far, but to pervert it, and to new-model it, the genius of our constitution says the judges have no such authority, nor shall presume to exercise it."

Witnesses were then called, who stated the circumstances as they occurred on the morning of the duel, which are already too well known to require repetition. The first witness was Dann the miller. A discussion arose, during his examination, respecting the admissibility as evidence of a card delivered to Dann, with the name and address of Captain Tuckett, when he allowed him to be conveyed home. The card was at length admitted, as Sir William Follett, when he saw it, did not any longer object. Dann stated that he had called three times at "13, Hamilton Place," the address mentioned in the card, and saw Captain Tuckett there each time. On one occasion Captain Tuckett wrote a note to be taken to the Magistrate: and the witness saw him write his name, "Tuckett."

The miller's son and wife were next examined. Their avoidence was to the same effect as that of the miller: they saw the transaction from the first meeting of the parties on the ground. It came out on their cross-examinations, that the witness has been sent for to the Home Office last Saturday, and had been examined by Mr. Vizard.

The next witness called was Sir James Eglinton Anderson, who went with the parties to Wimbledon Common in his medical capacity, and who attended Captain Tuckett after he was wounded. As soon as this witness was called, the Lord High Steward informed him that he was not bound to answer any question tending to criminate himself. Of this privilege the witness took ample advantage; as will be perceived from the following report of his examination.

The Attorney-General—"What is your profession?"—"A physician."

"Where do you live?"—"In New Burlington Street."

"Are you acquainted with Captain Tuckett?"—"I must decline answering that question."

"Were you at Wimbledon Common on the 12th of September last?—"I must decline answering that question also." (*Laughter.*)

"Were you on that day called on to attend any gentleman who was wounded?"—"I must decline that again." (*Laughter.*)

"Can you tell where Captain Tuckett lives?"—"I must decline answering that question."

"Has Captain Tuckett any house in London?"—"I decline answering that question." (*Laughter.*)

"When did you last see Captain Tuckett?"

Sir W. Follett—"I must really submit to your Lordships, that the witness having declined answering certain questions, it is not right in the Attorney-General to press him with circuitous questions."

The Attorney-General (to the witness)—"Then you decline answering any question whatever respecting Captain Tuckett?"—"I decline answering any question that may tend to criminate myself."

"And you consider any question respecting Captain Tuckett may tend to criminate you?"—"Possibly it would."

The Attorney-General—"Then, unless your Lordships have any question to ask of him, the witness may withdraw."

The witness was then desired to withdraw.

John Busain, an Inspector of Police at the Wandsworth Stationhouse when Lord Cardigan and Captain Douglas were taken there in the custody of the miller, stated some additional circumstances regarding the conduct and expressions of Lord Cardigan at the Stationhouse—

"The door was open, and his Lordship walked in. His Lordship said, 'I have been fighting a duel; and I have hit my man, but not seriously; I believe slightly—a mere graze across the back,—and his Lordship passed his hand across his back.) His Lordship also looked over his shoulder and said, 'This gentleman also is a prisoner—my second, Captain Douglas.'"

"Did you see any thing more then?"—"His Lordship passed his hand behind him into his pocket: in the act some cards fell upon the floor: he presented me with one; when I saw the address, 'The Earl of Cardigan, 11th Dragoons.' I believe I alluded to the duel again, and said, 'I hope not with Captain Reynolds.' His Lodship appeared indignant at the idea, and said, 'Do you think I would fight with an inferior officer of my own?'"

The shorthand-writer was asked to repeat the answer. He read it—'Do you think I would fight with an inferior officer'—(*Loud cries of "No, no!"*)

The Lord High Steward desired the witness to read this answer.

Witness—"When I made this observation about Captain Reynolds to his Lordship, he drew himself indignantly up erect, and said, with a tone of disdain, 'No; do you suppose I would fight with one of my own officers?' These were his words to the best of my recollection."

The witness underwent a servere cross examinations, for the purpose of showing that the words imputed to Lord Cardigan were not correctly stated: but the witness adhered firmly to his former evidence; and explained the cause of the expressions not appearing in the deposition to be, that the Magistrate's Clerk told him they were irrelevant.

Mr. Charlet Walten, a chemist in the Poultry, was called for the purpose of proving the identity of Captain Tuckett. He stated that fifteen months ago he had let rooms in his house to "Captain Harvey Tuckett," to carry on the business of colonial agent; that the Captain Harvey Tuckett who took the rooms gave his address at "No. 13, Hamilton Place, New Road"; but the witness had never been to the house, nor seem Captain Tuckett there. He only knew him as Captain Harvey Tuckett.

Mr. Codd, the army-gent who pays Captain Tuckett his half-pay as a retired officer of the Eleventh Light Dragoons, stated that the Christian and surnames of Captain Tuckett are "Harvey Garnet Phipps Tuckett." He had never seen him at 13, Hamilton Place.

The card given to Daun the miller was engraved "Captain Harvey Tuckett, 13, Hamilton Place, New Road.'

This was the case for prosecution.

Sir William Follett then addressed their Lordships. He contended that there was no case that called on the defendant for an answer, as there was no proof of the indentity of Captain Tuckett. The prosecutor was bound to prove Christian name and surname of the party against whom the offence is alleged to have been committed? and if that failed, the proof of the case must fail as a necessary consequence.

The Attorney-General recapitulated the evidence relative to the identity, and contended that no reasonable man could conclude otherwise than that the Captain Tuckett who lived at 13, Hamilton Place, was the Captain Tuckett with whom Lord Cardigan fought the duel—"I believe," said the Attorney-General, "there is no human being who, having heard this evidence out of a court of justice, would hesitate drawing the inference; and I believe that the same weight of evidence which would be sufficient to convince a reasonable man out of a court of justice, provided it be adduced according to the known rules of evidence. And again I ask your Lordships, whether, according to those, rules of evidence, any one out of a court of justice, upon the evidence your Lordship have this day heard, would doubt for a moment that this Captain Tuckett, of whom you have had evidence, is the person who fought the duel with the Earl of Cardigan on the 12th of September? If this inference would have been drawn out of a court of justice, shall it be said that in a court of justice there is not a scintilla of evidence from which it could be drawn? This would be a most unsatisfactory conclusion to this trial. Your Lordships will weigh the evidence fairly and deliberately. If you think that this is not the same individual, of course you will acquit the prisoner, saying 'Not guilty, upon my honour'; but you will not stop the prosecution upon this objection, which must be considered a trivial one."

Sir William Follett, in reply, said that this might be a very unsatisfactory conclusion to come to for the parties who had undertaken the prosecution; but still he must submit that, with all the care they had taken with this case, they had utterly failed in putting together such evidence as would be necessary to support their indictment—

The whole of the evidence of Mr. Godd was, that he knew a person of such a name who received half pay. But there was no evidence to show that this Captain Tuckett mentioned in the evidence of Codd is the same Harvey Garnet Phipps Tuckett mentioned in this indictment, as having been on Wimbledon Common on the occasion in question. No judge sitting in a criminal court would leave such a question to the decision of a jury. There might be two Harvey Tucketts; and since the Attorney-General had referred to their Lordships' knowledge of what might have occurred out of doors, he would remind their Lordships, that in the very regiment commanded by the noble defendant, there were two officers bearing the same surnames certainly, and he believed one Christian name in common.

Strangers were then ordered to withdraw, while their Lordships considered the objection raised by Sir William Follett. After an absence of about twenty minutes, the doors were again opened, and it was understood that their Lordships had decided in favour of the objection, or, in other words, that there was not evidence to go to their Lordships sitting as a jury.

The concluding ceremonials of this mock trial are thus described by the reporter of the *Times*—

On our return to the House, we understood their Lordships to have decided the objection to be valid; and we found the Lord High Steward at the chair putting the question to each Peer.—Guilty or not Guilty; *e. g.* "John Singleton Lord Lyndhurst, how says your Lordship? is James Thomas Earl of Cardigan guilty of this felony whereof he stands indicted, or not guilty?" Whereupon each Peer, upon his name being called, rose, and placing his right hand upon his breast said, "Not guilty, upon my honour"; the only exception to the general rule being the Duke of Cleveland, who in the first instance said, "Not guilty, *legally*, upon my honour." After all the Peers had given their verdict, the last of whom was the Duke of Cambridge,

The Lord High Steward, standing on the steps of the throne, himself said, "Not guilty, upon my honour."

The Sergeant-at Arms then said, "Yeoman Usher call in James Thomas Earl of Cardigan."

The noble earl was then placed outside the bar; when

The Lord High Steward, addressing him, said—"James Thomas Earl of Cardigan, you have been indicted for a felony, for which you have been tried by your Peers; and I have the satisfaction of declaring to you that their Lordships have pronounced you 'Not guilty,' by an unanimous sentence. The number I have not precisely at this moment before me, or I would have been glad to have stated it your Lordship; but their Lordships have unanimously said, 'Not Guilty.'"

The Earl of Cardigan then bowed and retired.

The proclamation dissolving the commission was then read; and his Grace the Lord High Steward, standing in front of the Throne, received the staff from the Garter King-at-Arms and the Usher of the Black Rod jointly, held it in both hands, and broke it in two; and so the commission was dissolved, at half-past five o'clock.

Their Lordships adjourned till Friday, to allow time for the removal of the fittings-up for the trial; the cost of which is estimated at from 3,000*l.* to 4000*l.*

The journals of the House of Lords give the following record of the trial of Lord Cardigan—

"The Lord Denman sat Speaker. Earl of cardigan, trial of. Several witnesses ordered to attend forthwith. House called over. Letters of excuses communicated by the Lord Speaker. Commission appointing a Lord High Steward read. Trial proceeded with. Indictment read, and the evidence for the prosecution closed. Objection taken by the counsel for the Earl of Cardigan, that the evidence failed to prove the identity of Captain Tuckett, as described in indictment. Then the Bishops desire leave to be absent when judgment is given upon the Earl of Cardigan; upon which leave is given. Objections taken by the counsel for the Earl of cardigan to the evidence; considered. After some time, moved that the House do now proceed to give their opinion, whether the said Earl is guilty or not guilty of the charge in the indictment. When each Peer present decided, upon his honour, Not Guilty. The Earl of cardigan brought to the bar, and informed by the Lord High Steward that the Lords had unanimously declared him Not Guilty And the commission was then dissolved. House resumed; and adjourned o Friday next, at half-past three o'clock."—*Spectator.*

UNITED STATES.

Several vessels have arrived from the United States during the week—three packet-ships from New York, and the Acadia mail-steamer, which left Boston on the 1st instant and Halifax on the 4th.

The case of Mr. M'Leod was creating an excitement on both sides of the Border, that seemed to increase daily, especially in the United States; and additional subjects of dispute had been discovered. Mr. M'Leod had not been liberated on bail, according to the report in a Niagara paper, but was still in gaol at Lockport, under a Magistrate's *mittimus* on a charge of murder, which, it is said, does not admit of bail. The indictment would be laid before the Grand Jury early in February. His trial is not expected to take place before the fourth Monday in March.

The correspondence between Mr. Forsyth, the Foreign Secretary to the United States, and Mr. Fox, the British Minister, had set the country in a blaze. Public meetings had been held in Buffalo, Batavia, and several other places, at which the speakers denounced the conduct of Great Britain in terms of the coarsest virulence. And preparations were making to call "a great mass American meeting" in the Park at New York, which was expected to be the first of a series of similar gatherings.

The angry feeling against Great Britain had been exasperated by the seizure of the American vessel Tigris, as a slaver, on the coast of Africa. She had been sent, under the command of Mr. Jackson, a midshipman of the Queen's brig Water-Witch, to the United States for trial; and the court at Salem had pronounced the seizure unlawful. An action of trespass was immediately brought against Mr. Jackson, with damages laid at 4.000 dollars. Mr. Jackson was bailed by the British Consul at Boston; and it was pleaded on his behalf that he acted under orders, and was not personally liable. The Court, however, ruled that that was quite another branch of the question, to be referred to the two Governments, but that there was clearly within the meaning of the law and the powers of the courts of Massachusetts a ground of action for trespass. A more moderate bail was then demanded; and several citizens of Boston became bound for Mr. Jackson's due appearance when the cause is to be tried.

A bill was before Congress to distribute the waste lands of the Union among the several States.

The commercial intelligence is favourable. The Philadelphia banks had resumed specie payments. The United States Bank Shares were quoted at 50¾. The Bank is stated to have negotiated a loan of 1,000 000*l.* in London. Money was easy at New York. Exchange on England was at 7 to 8 premium; on France 5 francs 22½ centimes to 23 centimes.

The Legislature of New Brunswick was opened by Sir John Harvey, the Governor, on the 20th January. He says that the province is recovering from the commercial embarrassments which were the effect of the late calamitous fire. For the encouragement of immigration, he suggests an appropriation of the public money to a survey of wild lands, to be laid out in lots one hundred acres each, and disposed of to actual settlers at "a reasonable upset price."

FRANCE.

EXPRESS FROM PARIS.

MORNING POST OFFICE,
Thursday Morning, One o'Clock

The question of the real existence of a majority in the Chamber of Deputies for the Soult Guizot Cabinet continues to be canvassed with great heat by the Ministerial and Opposition prints. There is, however, nothing new in the arguments resorted to on both sides in Tuesday's papers. The state of parties has been already sufficiently explained in our columns. We renew the expression of our opinion that unless there be any "untoward event" the present Ministry will pass through the session We know quite well that its existence depends on the support of the "221" and the Left Centre, represented by MM. Dufaure and Passy; and that a combination in the Chamber is not impossible, which would create either a Thier's Administration or a Mole Ministry. But the elements of the coalition necessary to effect the one or the other result are at present too opposed to render it probable. We certainly cannot but regret that there is not an alliance between Marshal Soult Count Mole, Dufaure, and M. Guizot; because, if it could be accomplished, there would be then really a formidable Conservative party united against the Liberals. As it is the Soult-Guizot Ministry will remain a sufficient time in office to have pursued an honourable policy, which has preserved France from war abroad and revolution at home. I was a noble mission, and has been ably fulfilled; taking into consideration the complicated difficulties of the legacy left by the Thier, Cabinet. We have had sufficient evidence of the wishing of French intrigue to know that a few months' existence to any Ministry is all that can be expected; but we are consoled with the hope that the present Government may be enabled to resort to a dissolution in the autumn, which shall secure the triumphant returns of an influential and Conservative majority. The nomination of Baron Mounier as reporter of the committee to the Chamber of Peers on the Fortification Bill is an indication that Count Mole intends to persevere in his opposition to that measure, so far as concerns the *enceinte continue*. Baron Mounier, it will be remembered that we stated some days since, was the only member of the committee who declared himself opposed altogether to any system of fortifying the capital, and yet, by four against three, he has been appointed reporter. The same number of votes indicated the basis upon which the report is to be drawn up, namely, the formation of an amendment on the Bill as voted by the Deputies, having for its object the suppression of the *enceinte continue*. The debate is not expected to begin in the Peers before the 15th instant, at the earliest. Now the Ministry, through its official organs, has unequivocally declared that it will strenuously oppose any amendment on the original measure; but if our private letters are correct in the opinion they express that Count Mole is acting in concert with Louis Philippe, the amendment will be carried in despite of the Ministry; but we may be confirmed that the King of the French, who thinks that the duration of his dynasty depends on the building of detached forts, and who has only accepted the *enceinte continue* to ensure the support of the Liberals in the Deputies, will never send an amended Bill back to the Chambers unless he is certain that it will be accepted. On the other hand, Peers have been sent for from all quarters to vote in the expected division. Baron Mortier, it is said, returns expressly to Paris from Berne for that purpose, leaving his post at a moment when there is much complication in Swiss affairs. A close struggle is therefore anticipated, and this, perhaps, is the only question which menaces the existing Cabinet, whose position does not certainly appear to us to be the best. To be frank, we think it is rather in a false one, and for these reasons;—Marshall Soult has annihilated by the weight of his military experience the *enceinte continue*. M. Guizot has caused its success, by the influence of his parliamentary tactics placing himself in the anomalous situation of passing a measure, on the technical merits of which he has professed his entire ignorance, although he avowed that he had the most unbounded confidence in the strategetical opinions of Marshal Soult. The majority of the Cabinet is known to be in opposition to the *enceinte continue*, and, indeed, MM. Humann and Teste were with difficulty prevented from resigning office when the Bill passed the Deputies. And yet M. Thiers has received his Bill of Indemnity, and if it is confirmed in the Peers all obstacles to his return to office are removed. If Count Mole's amendment succeeds that statesman becomes the Minister of necessity. We have always regretted, and we regret still, that M. Guizot had not made his stand on taking office against the Fortification Bill, on the same high grounds that he refused to follow up the belligerent propensities of M. Thiers.

(From our Correspondent.)

Paris, Tuesday, March 2.—The market has been very slack, and very little business done. The impetus given previous to the settling has somewhat subsided, and prices have experienced a decline. The Fives for each, opened at 113f. 45c., declined to 113f. 25c., and closed at 113f. 30c., 5c. lower than on Monday; for the account 113f. 30c., 5c. lower also. The Threes, for cash, commenced at 77f. 10c., and closed at 76f. 85c., 15c. lower; for the account, 76f. 60c., 20c. lower. The Fours (stationary), 100f. Bank of France Shares, 3 220f. Belgian Bank, 995f., 10f. higher; ditto Fives, 101½f., ½ higher; ditto Threes, 70f. Spanish Active, 25; ditto Passive 6; Haytians, 610f.; Piedmont, 1,115f., 2f. 50c., higher; Vienna, 355f.; Romans, 102¼.; Neapolitans, 101f. 80c., 20c. lower. Rhine Bonds—St. Germain, 727f. 50c., 2f. 20c. lower; Versailles, Right Bank, 415f., 5f. lower; Left ditto, 318f. 75c., 1f. 25c. lower; Strasbourg, 242f. 50c., Creite, 200f.; Orleans, 488f. 75c.; Roman, 455f. Little or no variation on Monday's prices.

French Funds, Paris, Tuesday, March 2.

	Opening Price.	Closing Price.
Five per Cents..	113f 45c....	113f. 30c.
Four per Cents..	100f.	——
Three per Cents..	77f. 10c.....	76f. 85c.
Bank of France....	3,220f.	——
Rente de Naples..	101f. 80c.	——
Roman Loan.....	101¼	101¼
Spanish Active ...	25	——
Passive.....	6	——
Belgian Five.....	100⅞ ...	——
Belgian Three...	70f.	——
Belgian Bank	887f. 50c....	895f.
Haitian Loan..	610f.	610f.

Exchanges on London:—One month, paper, —f. —c.; money. 25f. 22½c.; three months, paper, —f. —c.; money, 25f. 47½c.

SPAIN.

The Madrid papers of the 23d dwell principally and the prospectus of the country in the approaching Cortes, but the speculations are not of a very striking nature. Espartero is steadily working to have the sole Regency but will meet with a determined opposition. Our private correspondence elsewhere gives the latest intelligence from the Spanish capital.

At the Madrid Exchange, on the 23d, 100,000 reals were negotiated in one transaction in the Four per Cents., at 23 per cent. for cash. In the New Fives thirty-two bargains were effected for an integral sum of 15,300.000 reals, one of which was for cash, at 28⅛, and the remainder for the account at 29¼ at sixty days. Three operations in new coupons were done in the debt without interest at 6½ at sixty days' date, Exchange—London, at ninety days, 36⅛.

(Private Correspondence.)

MADRID, Feb. 23.

There was a grand fancy dress ball at the Palace yesterday at which the Queen and the Infante did the honours; it was attended by all the *elite* of this capital. Amongst the company were the members of the Regency the *corps diplomatique* several grandees of Spain, the ladies of the Queen's household, &c. Her Majesty danced two country dances, and seemed to take great delight in this species of amusement, of which she was the heroine. It was remarked that Senor Ferrer wore on his breast the Grand Cross of the Order of Carlos III.: the same distinction has been awarded to Marshal Saldanha, who will leave for Lisbon at the close of the week Everything is done to divert and amuse the young Queen. During the day the French *ecuyer* Paul and his troops performed sundry acts of horsemanship in the court of the palace, under the balcony of the Queen and the Infante The two sisters much admired the grace and agility of the *ecuyers* of the circus. The carnival has been extremely dull.

It is stated that the Queen is to go to Aranjuez.

Advices from the provinces are satisfactory; tranquillity has been disturbed nowhere. Everything would go on better if money were less scarce. The want of cash causes certain local authorities great embarrassment.

It is pretty clear at the present time that the result of the general election is favourable to the Progressistas—that is to say, to the opinion with which the Ministry identified itself.

The Regency question, which attracts serious attention at the present time, will be one of the first to be submitted to the Cortes. It is probable that at the onset three members will be put in nomination for the Regency; but who will be the personages called to fulfil those high functions in concert with the Duke de la Vitoria? Senor Arguelles and Senor Calatrava are named.

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BY A. WILLARD.